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USSN ~~00~~/391,783
Baldwin *et al.*
Page 6

Remarks

Status of Claims

| | |
|---------------|---|
| 1-37 | Claims of priority application |
| 1-3 and 15-37 | Canceled by preliminary amendment |
| 38 | Added by July 24, 2000 amendment |
| 8-14 | Canceled without prejudice in response to a Restriction Requirement |
| 39-49 | Added response to a Restriction Requirement |
| 5-7 and 42-49 | Canceled without prejudice in response to an Election of Species |
| 4 and 38-41 | Remain pending |

Allowable Claims

Claims 40-41, have been found allowable over the prior art of record.

Claim Rejections Under 35 USC §112, first and second paragraphs

Claims 4 and 38-39 were rejected as containing new matter based upon the inclusion of an exclusionary proviso in independent claim 4. The claims were also rejected as being indefinite based upon the use of such terms as "carboalkoxy", "di-loweralkylamido" and "methylene dioxy."

Rather than argue the rejections, and as prosecution of this application has already been quite extended, Applicants have chosen to cancel the offending phrases from the claims, and respectfully request that the rejections be withdrawn.

Claim Rejections Under 35 USC §102(b)

Claim 4 was rejected as being anticipated by Mukai *et al.*, Gan *et al.*, Leyshon *et al.* or Miyano *et al.* Each reference is said to disclose compounds that fall within Applicants' claim 4.

Mukai *et al.* In light of the removal of the proviso from claim 4, it is no longer a choice that R⁶ and R⁷ both be -H.

Gan *et al.* In light of the removal of the proviso from claim 4, it is no longer a choice that R⁶ and R⁷ both be -H.

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June 26, 2003

of
USSN ~~30~~/391,783
Baldwin *et al.*
Page 7

Leyshon *et al.* In light of the removal of the proviso from claim 4, it is no longer a choice that R⁶ and R⁷ both be -H.

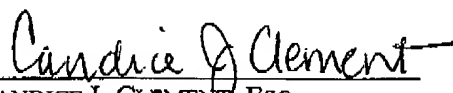
Miyano *et al.* In light of the removal of the proviso from claim 4, it is no longer a choice that R⁶ and R⁷ both be -H.

As each of the cited references refers to compound examples that require both R⁶ and R⁷ to be -H, a choice that is not available in Applicant's generic claim 4, the references do not anticipate the claim. Accordingly, Applicants respectfully request that the rejections under §102(b) be withdrawn, and the claims be found allowable.

There being no further issues, the application, including claims 4 and 38-41, is believed in condition for allowance, and such action is courteously requested.

Respectfully submitted,

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CANDICE J. CLEMENT, ESQ.
Attorney for Applicants
USPTO Registration Number 39,946
HESLIN ROTHENBERG FARLEY & MESITI P.C.
5 Columbia Circle
Albany, New York 12203
Telephone: (518) 452-5600
Facsimile: (518) 452-5579